

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TROY ADAMS, : **CIVIL ACTION NO. 1:15-CV-1321**

Plaintiff : **(Chief Judge Conner)**

v. :

NANCY A. GIROUX, et al., :

Defendants :

ORDER

AND NOW, this 9th day of May, 2016, upon consideration of the report (Doc. 55) of Magistrate Judge Joseph F. Saporito, Jr., construing the motion (Doc. 30) for transfer to a non-D.O.C. facility filed by plaintiff Troy Adams (“Adams”) as a motion for a preliminary injunction and recommending the court deny the motion as so construed, wherein Judge Saporito opines that Adams has failed to establish the prerequisite element of irreparable harm, and further that Adams’ request for injunctive relief is unrelated to the subject matter of the above-captioned litigation and targets prison officials who are not parties to this litigation, (see Doc. 55 at 2-7), and it appearing that Adams did not object to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,”

Henderson, 812 F.2d at 878; see also Taylor v. Comm'r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int'l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court in agreement with Judge Saporito’s recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 55) of Magistrate Judge Saporito is ADOPTED.
2. Adams’ motion (Doc. 30) for transfer to a non-D.O.C. facility is CONSTRUED as a motion for a preliminary injunction and is DENIED as so construed.
3. The above-captioned matter is REMANDED to Magistrate Judge Saporito for further proceedings.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania